

Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 CCO-00 /026 R

DRAFTED BY NEA/INS:D.KUX/R.OBER:DIW
APPROVED BY T/D:MR. NYE
NEA:MR. DUBS
S:MR. TARNOFF
OES:MR. HOYLE
L:MR. BETTAUER
S/S-O:SESTEINER
ACDA:MR. VAN DOREN

-----130121Z 082594 /66

O 130104Z MAY 77 ZFF5
FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI IMMEDIATE
INFO AMCONSUL BOMBAY IMMEDIATE
USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 107344 TOSEC 040243

EXDIS, SECDEL FOR ATHERTON

E.O. 11652: GDS

TAGS: TECH, IN

SUBJECT: TARAPUR

1. THE SECRETARY HAS APPROVED A RECOMMENDATION THAT THE
GOI BE INFORMED THAT THE EXECUTIVE BRANCH IS PREPARED
IN PRINCIPLE TO RECOMMEND NUCLEAR REGULATORY COMMISSION
APPROVAL OF A FURTHER INTERIM SHIPMENT FOR THE TARAPUR
REACTORS IF THE INDIANS ARE AGREEABLE TO EARLY NEGOTIATIONS

ON OUTSTANDING TARAPUR AND NUCLEAR QUESTIONS. YOU ARE
INSTRUCTED TO INFORM THE FOREIGN SECRETARY OR ANOTHER
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APPROPRIATE GOI OFFICIAL ACCORDINGLY. DEPUTY UNDER
SECRETARY NYE IS SCHEDULED TO INFORM KEWAL SINGH MAY 13 P.M.

2. IN CONVEYING THIS DECISION YOU SHOULD INDICATE THAT
THE USG HAS AGAIN LOOKED CLOSELY IN RECENT WEEKS AT
THE QUESTION OF THE URGENCY OF THE PENDING FUEL SHIPMENT.
WE HAVE NOW CONCLUDED TARAPURS PRESENT REPEAT PRESENT FUEL

ASSEMBLY INVENTORY SHOULD CARRY IT THROUGH THE MARCH-APRIL 1978 RELOAD OF UNIT I. HOWEVER, NEW FUEL IS REQUIRED FOR THE FEBRUARY-MARCH 1979 RELOAD OF REACTOR II. IN OTHER WORDS, AS WE UNDERSTAND IT, THE NEED FOR THE PENDING LICENSE IS NOT AS URGENT AS WE HAD ORIGINALLY THOUGHT IN TERMS OF ASSURING A RELOAD OF THE REACTOR

DURING THE SPRING OF 1978. (THIS ASSUMES THAT THEY USE AN EIGHTY-FIVE ASSEMBLY RELOAD. ASSUMING A RELOAD OF SIXTY ASSEMBLIES AT UNIT II AS WELL AS SUBSEQUENT RELOADS OF SIXTY ASSEMBLIES AT BOTH UNITS, OUR ANALYSIS INDICATES THEY CAN MEET THEIR FUEL SUPPLY NEEDS THROUGH THE DECEMBER 1978-FEBRUARY 1979 RELOADING OF UNIT II.)

3. YOU SHOULD GO ON TO EXPLAIN THAT THE ADMINISTRATION APPRECIATES GOI DESIRE TO AVOID SHUTDOWN OF ITS FABRICATION OPERATION. MOREOVER, WE ARE AWARE THAT THE GOI HAS GONE ON RECORD AS TO THE NEED FOR EARLY ACTION ON THE LICENSE TO AVOID SUCH A SHUTDOWN. THEREFORE WE ARE PREPARED TO SEEK APPROVAL FOR AN INTERIM SHIPMENT IF THEY AGREE TO EARLY NEGOTIATIONS ON OUTSTANDING TARAPUR AND RELATED NON-PROLIFERATION QUESTIONS. WE EXPECT, HOWEVER, THAT THE COMPOSITION OF THE SHIPMENT WHICH WE WILL RECOMMEND NRC APPROVE WILL BE DIFFERENT FROM THAT REQUESTED IN THE MORE THAN YEAR OLD APPLICATION NOW BEFORE THE NRC. SUCH INTERIM SHIPMENT SHOULD ENABLE THE INDIANS, WHEN THEY COMPLETE THE 2.1 PER CENT SCRAP RUN IN AUGUST, TO RETURN TO A MORE NORMAL OPERATION OF THE FABRICATION LINE. WE WILL BE IN TOUCH WITH

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THE INDIAN EMBASSY HERE IN THE NEXT DAYS TO WORK OUT DETAILS. (FYI: OES DEPUTY ASSISTANT SECRETARY NOSENZO WHO WILL BE DEALING WITH THE MATTER WILL NOT BE RETURNING FROM ABROAD UNTIL MAY 16.)

4. YOU SHOULD FURTHER TELL THE INDIANS THAT, ASSUMING A POSITIVE RESPONSE, WE BELIEVE IT WOULD BE USEFUL TO SEND A SENIOR OFFICIAL TO WASHINGTON SOON TO CONSIDER HOW BEST TO STRUCTURE THESE DISCUSSIONS, WHICH WILL HAVE TO DEAL WITH COMPLICATED QUESTIONS RELATING TO TARAPUR (E.G., SPENT FUEL) AS WELL AS OTHER U.S. NUCLEAR EXPORT POLICY ISSUES. (FYI, OUR FEELING IS THAT THE INDIAN EMBASSY PROBABLY LACKS THE TECHNICAL BACKGROUND TO WORK OUT WITH US THE NECESSARY NEGOTIATING SCENARIO.) YOU SHOULD EMPHASIZE THAT THE USG IS READY TO MOVE QUICKLY IN APPROACHING THE NRC FOR APPROVAL ON THE INTERIM SHIPMENT BUT ACTUAL TIMING OF OUR APPROACH DEPENDS IN THE FIRST INSTANCE ON AN INDIAN RESPONSE INDICATING THEIR AGREEMENT TO NEGOTIATE OUTSTANDING

QUESTIONS. WHILE WE HOPE OUR RECOMMENDATION TO NRC AND EXPLANATION OF BASIS FOR IT WILL RESULT IN PROMPT ISSUANCE OF EXPORT LICENSE, THE INDIANS SHOULD BE AWARE THAT THE EXECUTIVE BRANCH CANNOT ASSURE THEM OF THIS IN VIEW OF THE ABILITY OF NRC TO MAKE AN INDEPENDENT DECISION, THE NEED OF NRC TO DEAL WITH PENDING INTERVENTION, AND THE POSSIBILITY OF ADVERSE COURT OF APPEALS RULING ON STANDING OF INTERVENORS.

5. WITH REGARD TO THE STORAGE PROBLEM, YOU CAN SAY THAT ERDA BELIEVES IT IS NEAR AGREEMENT WITH GE ON AN ARRANGEMENT WHICH IT IS HOPEFUL WILL BE ACCEPTABLE TO THE IAEC. WE EXPECT TO BE BACK TO YOU SHORTLY ON THIS.

6. FYI, DEPARTMENT OFFICERS BRIEFED CANADIAN EMBOFF MAY 11 ON THE ADMINISTRATION'S DECISION AND THE PLANNED APPROACH TO THE INDIANS. THE CANADIAN EXPRESSED CONFIDENTIAL

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APPRECIATION AND INDICATED HE BELIEVED THE BRIEFING WOULD SATISFY OTTAWA'S NEED AT THIS TIME FOR INFORMATION. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUCTIONS, NUCLEAR COOPERATION PROGRAMS, NUCLEAR REACTORS, NUCLEAR FUELS
Control Number: n/a
Copy: SINGLE
Sent Date: 13-May-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE107344
Document Source: CORE
Document Unique ID: 00
Drafter: D.KUX/R.OBER:DIW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770168-0437
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770561/aaaacafg.tel
Line Count: 142
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e6b9a494-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2534471
Secure: OPEN
Status: NATIVE
Subject: TARAPUR
TAGS: TECH, IN
To: NEW DELHI
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e6b9a494-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009